

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CARL ANDREWS,

Defendant.

19-CR-131-06 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

The Court has received the parties' competing letters, Dkts. 332, 333, on the Government's application to preclude defense counsel from engaging in argument or cross-examination relating to allegations that a cooperating witness ("CW-1") engaged in domestic violence with respect to his girlfriend ("Girlfriend-1"), including following the execution of CW-1's cooperation agreement. The Court's present intention is to resolve this motion promptly, most likely at the conference on March 9, 2020, immediately preceding the start of jury selection.

The Court does not invite additional briefing on this issue. However, the Court expects, in the event that additional facts come to light, counsel urgently to set out the newly learned facts in a letter to the Court filed on the docket of the case, with a courtesy copy sent to chambers email.

To assist the Court in evaluating the issues presented and the timing of its decision, the Court asks Government counsel, by letter, to supply factual answers to the questions below. In the event that defense counsel takes issue with the factual accuracy of these answers, defense counsel may respond with a letter amplifying on the facts.

1. Was any person in the car with CW-1 and Girlfriend-1 at the time of the February 29, 2020 incident?

2. Has Girlfriend-1 ever filed a complaint of any kind with any law enforcement authority alleging domestic violence by CW-1? If so, does any such complaint post-date the execution of CW-1's cooperation agreement?
3. Has Girlfriend-1 ever stated to Individual-1 that that CW-1 has engaged in domestic violence towards Girlfriend-1? Did Girlfriend-1 so state to Individual-1 in connection with the February 29, 2020 incident?
4. On what date does the Government presently project that CW-1 will commence testifying at trial?

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: March 5, 2020
New York, New York